

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

In re:

MYRTIS LOREAN ANDERSON
AND CLINTON SEA ANDERSON,

Debtor(s).

Chapter 13

Case No. 15-03085-ee

OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

COMES NOW, Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-9 a secured Creditor in the above-styled Chapter 13 bankruptcy proceeding, appearing herein by and through its attorney of record, and in support of its Objections to Confirmation of the Chapter 13 Plan of Debtor, and would show unto the Court the following:

1.

Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-9 is the mortgagee of Debtor(s)' property described as **133 Royal Oak Rd., Canton, MS 39046** and holds a valid Note and Deed of Trust on said property recorded in the office of the Chancery Clerk of Madison County, Mississippi.

2.

The Debtor(s) are in arrears in payments on said Note and Deed of Trust from 02/05/2011 to 10/05/2015 for a total arrearage of \$42,795.31, as evidenced by the attached Proof of Claim filed by Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-9 on November 30, 2015.

3.

The Plan does not make adequate provisions for the payment of pre petition arrearage.

4.

The correct amount of the post petition payment is \$712.3.

5.

The Plan has not been filed in good faith and does not comply with the provisions of 11 U.S.C. § 1325(a)(3).

The Plan is not feasible and does not comply with 11 U.S.C. § 1325(a)(6).

6.

The Plan violates 11 U.S.C. § 1325(a)(1) because the Debtor(s) have failed to make adequate provisions for Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-9's secured claim.

WHEREFORE, PREMISES CONSIDERED, Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-9 prays that this Honorable Court will find these Objections to Confirmation of the proposed Plan to be well taken and will deny confirmation of said Plan or in the alternative will enter an Order whereby Debtor(s)' plan is amended to provide for the payment of pre petition arrearage in the amount of \$42,795.31 and to reflect the correct and current post petition payment amount of \$712.35 per month.

DATED: November 30, 2015.

Respectfully submitted,

Christiana Trust, a division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-9

BY: /s/ Merideth J. Drummond
MERIDETH J. DRUMMOND,
It's Attorney

OF COUNSEL:
WILSON ADAMS & EDENS
A Professional Association
Post Office Box 320909
Flowood, MS 39232
(601) 825-9508
Mississippi Bar No. 99145

CERTIFICATE OF SERVICE

I, MERIDETH J. DRUMMOND, do hereby certify that I have this date transmitted via Electronic Case Filing, where applicable, or via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing Objection to:

ECF FILING NOTIFICATION

Wesley Thomas Evans

Attorney at Law

ECF FILING NOTIFICATION

Harold J. Barkley, Jr.

Chapter 13 Trustee

U.S. MAIL, POSTAGE PREPAID

Myrtis Lorean Anderson

Clinton Sea Anderson

133 Royal Oak Rd

Canton, MS 39046

ECF FILING NOTIFICATION

Assistant United States Trustee

DATED: November 30, 2015.

BY: /s/ Merideth J. Drummond

MERIDETH J. DRUMMOND

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT Southern District of Mississippi		PROOF OF CLAIM
Name of Debtor: Myrtis Lorean Anderson and Clinton Sea Anderson		Case Number: 15-03085-ee
NOTE: <i>Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Christiana Trust, A Division of Wilmington Savings Fund Society, FSB, as Trustee for Normandy Mortgage Loan Trust, Series 2013-9		COURT USE ONLY
Name and address where notices should be sent: Selene Finance, LP 9990 Richmond Avenue, Suite 410 South Houston, TX 77042 Telephone number: (713) 625-2032 email:		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above): Selene Finance LP- Attention cashiering 9990 Richmond Ave, Suite 400 South Houston, TX 77042 Telephone number: (713) 625-2032 email:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ <u>95,094.40</u>		
If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Mortgage</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>2 3 9 7</u>	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>133 Royal Oak Rd., Canton, MS 39046</u> Value of Property: \$ _____ Annual Interest Rate <u>15.000%</u> <input checked="" type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ <u>42,795.31</u> Basis for perfection: <u>Security Deed</u> Amount of Secured Claim: \$ <u>95,094.40</u> Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
Amount entitled to priority: \$ _____		
<i>*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

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7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "**redacted**".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

- ☐ I am the creditor. ☒ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
- (See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: MERIDETH J. DRUMMOND

Title: ATTORNEY FOR CREDITOR

Company: WILSON ADAMS AND EDENS, P.A.

Address and telephone number (if different from notice address above):
P.O. Box 320909

Flowood, MS 39232

/s/ Merideth J. Drummond

11/30/2015

(Signature)

(Date)

Telephone number: (601) 825-9508 email: merideth.drummond@aelawyers.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

Description	Dates incurred	Amount
1. Late charges		(1) \$ 582.36
2. Non-sufficient funds (NSF) fees		(2) \$ 0.00
3. Attorney's fees	See Breakdown	(3) \$ 470.00
4. Filing fees and court costs		(4) \$ 0.00
5. Advertisement costs		(5) \$ 0.00
6. Sheriff/auctioneer fees		(6) \$ 0.00
7. Title costs		(7) \$ 0.00
8. Recording fees		(8) \$ 0.00
9. Appraisal/broker's price opinion fees		(9) \$ 0.00
10. Property inspection fees	See Breakdown	(10) \$ 288.00
11. Tax advances (non-escrow)		(11) \$ 0.00
12. Insurance advances (non-escrow)		(12) \$ 0.00
13. Escrow shortage or deficiency (Do not include amounts that are part of any installment payment listed in Part 3.)		(13) \$ 0.00
14. Property preservation expenses. Specify: _____		(14) \$ 0.00
15. Other. Specify: <u>Previous Bankruptcy Fees/Costs</u>	See Breakdown	(15) \$ 851.00
16. Other. Specify: _____		(16) \$ 0.00
17. Other. Specify: _____		(17) + \$ 0.00
18. Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		(18) \$ 2,191.36

Part 3. Statement of Amount Necessary to Cure Default as of the Petition Date

Does the installment payment amount include an escrow deposit?

☒ No☐ Yes Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

1. Installment payments due	Date last payment received by creditor	<u>01/05/2011</u> mm/dd/yyyy	
	Number of installment payments due	(1) <u>57</u>	
		\$ <u>39,891.60</u>	(02/05/2011 - 09/05/2015)
2. Amount of installment payments due	<u>56</u> installments @ \$712.35	\$ <u>712.35</u>	(10/05/2015*)
	<u>1</u> installments @ \$712.35	\$ <u>712.35</u>	
	<u> </u> installments @	+ \$ <u> </u>	*per Debtor's proposed plan
	Total installment payments due as of the petition date	\$ <u>40,603.95</u>	Copy total here ► (2) \$ <u>40,603.95</u>
3. Calculation of cure amount	Add total prepetition fees, expenses, and charges		Copy total from Part 2 here ► + \$ <u>2,191.36</u>
	Subtract total of unapplied funds (funds received but not credited to account)		- \$ <u> </u>
	Subtract amounts for which debtor is entitled to a refund		- \$ <u> </u>
	Total amount necessary to cure default as of the petition date		(3) \$ <u>42,795.31</u>

Copy total onto Item 4 of Proof of Claim form

Ongoing post petition mortgage payments shall commence with the 11/01/2015 payment and shall be payable in the monthly amount of \$712.35.

P&I of \$712.35

Escrow of \$0.00